

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

August 7, 2015

Ms. Linda Tracy
President
Advanced Bioscience Resources, Inc.
1516 Oak Street #303
Alameda, CA 94501

Dear Ms. Tracy:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce seeks information and requests a briefing regarding your organization's practices relating to human fetal tissue collection, sale and/or donation.

Several videos made public in recent weeks have raised questions regarding the buying, selling, and research use of human fetal tissue. A recent *New York Times* article reported that Advanced Bioscience Resources, Inc., (ABR) is a major supplier of fetal tissue¹, and that ABR's price sheet listed charges of \$300 per specimen for tissue from a second-trimester fetus and \$515 if the fetus was first trimester. Further, the article quoted you that the \$30 to \$100 acquisition fees mentioned in one of the videos sounded "reasonable." The article also noted that ABR's prices reflected time, effort, and space needed to obtain the fetal tissue. This information suggests there may be a basis to explain ABR's pricing, and how costs are determined.

Under the NIH Revitalization Act of 1993, it is "unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce." While this provision prohibits the sale or purchase of fetal tissue itself, the term "valuable consideration" does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue. As the committee with legislative jurisdiction over the NIH Revitalization Act of 1993, we have an oversight responsibility and interest in determining whether there is adequate compliance with the law, and/or whether the law is adequately meeting ethical and moral concerns.

¹ A GAO report published in 2000 also identified ABR as a major fetal tissue supplier.

To assist the committee's examination, we respectfully request that ABR provide a briefing to committee staff no later than August 21, 2015. ABR should be prepared to address the following issues:

1. Your organization's procedures to assure proper informed consent for fetal tissue donation.
2. Your organization's practices for collecting fetal tissue, including guidance to, and training for, agents or representatives involved in the acquisition of fetal tissue.
3. Your organization's practices and/or policies relating to the quality or quality control of fetal tissue, and how your organization decides what types of fetal tissue to collect.
4. The prices or fees that ABR pays for each type of fetal tissue, and how much ABR paid in 2014 for fetal tissue.
5. The prices or fees that ABR sets for each type of fetal tissue provided to researchers, including what guidance or criteria, if any, ABR provides to researchers on prices and fees, and the total amount of fees collected and costs expended by ABR relating to fetal tissue.
6. The number of years ABR has engaged in fetal tissue collection and whether and how ABR assures that the collection, sale and/or donation of fetal tissue is in compliance with federal and state legal requirements, or is in accordance with rules made by ethics boards by institutions buying fetal tissue from ABR.
7. For the last ten years, any contracts and/or other arrangements with the National Institutes of Health, the Food and Drug Administration, and/or any other Federal government agency or department, including date(s) of each contract, amount(s) of each contract, and nature of deliverables or services.

In addition to this briefing, we respectfully request that ABR preserve and retain all documents relating or referring to the collection, sale and/or donation of fetal tissue.

If you have any questions about this letter, please contact Charles Ingebretson of the committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



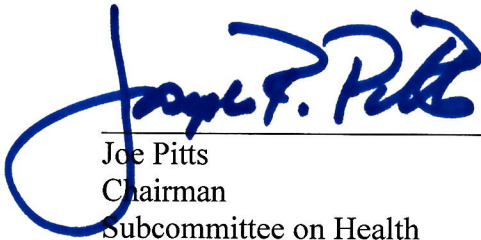
Tim Murphy
Chairman
Subcommittee on Oversight and Investigations



Joe Barton
Chairman Emeritus



Marsha Blackburn
Vice Chairman



Joe Pitts
Chairman
Subcommittee on Health

cc: The Honorable Frank Pallone, Jr., Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Gene Green, Ranking Member
Subcommittee on Health